

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

*IN RE PORK ANTITRUST LITIGATION*

Case No. 0:18-cv-01776-JRT-JFD

This Document Relates To:  
ALL ACTIONS

**JOINT STATUS REPORT FOR  
MARCH 22, 2023 STATUS  
CONFERENCE**

Counsel for Consumer Indirect Purchaser Plaintiffs, Direct Purchaser Plaintiffs, and Commercial and Institutional Indirect Purchaser Plaintiffs, the Commonwealth of Puerto Rico, and the Direct Action Plaintiffs (collectively, “Plaintiffs”) and Defendants (collectively, the “Parties”), in the above-captioned consolidated action submit the following status report for the March 22, 2023 status conference.

**APPEARANCES**

**Plaintiffs**

|  |   |
|--|---|
| Consumer Indirect Purchaser Plaintiffs                     | Shana Scarlett<br>Breanna Van Engelen<br>Abigail Pershing<br>Daniel Hedlund |
| Direct Purchaser Plaintiffs                                | Joseph Bruckner<br>Bobby Pouya  |
| Commercial and Institutional Indirect Purchaser Plaintiffs | Blaine Finley   |
| Puerto Rico  | Kyle Bates  |
| DAP Sysco  | Arthur Boylan<br>Nicole Hyland <sup>1</sup>                                 |
| Other DAPs   | Robert Kaplan   |

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<sup>1</sup> Arthur Boylan and Nicole Hyland are appearing in a limited capacity regarding Sysco’s motion to stay. Neither are antitrust counsel to Sysco and Sysco has not yet secured replacement lead counsel.

## **Defendants**

|            |                                   |
|------------|-----------------------------------|
| Agri Stats | Liam Phibbs                       |
| Clemens    | Max Samels                        |
| Hormel     | Emily Chow                        |
| JBS        | Donald Heeman<br>Sami Rashid      |
| Seaboard   | William Greene<br>William Thomson |
| Smithfield | Brian Robison                     |
| Triumph    | Christopher Smith<br>James Spung  |
| Tyson      | Tiffany Rider<br>Jarod Taylor     |

## **AGENDA**

### **1. Sysco's motion to stay.**

Regarding the March 10, 2023 filing by Sysco for a partial stay (ECF No. 1843), the Parties have reviewed the Court's instruction directing them to contact Magistrate Judge Docherty to schedule a hearing. *See* ECF 1855. In advance of that hearing, Class Plaintiffs and Defendants respectfully seek clarification from Sysco as to what impact it intends its request for a limited stay to have, if any, on the deadlines set forth by the pretrial schedule. In meeting and conferring on its stay motion, Sysco's counsel has confirmed that it will be prepared to address these issues at the status conference.

Speaking for Sysco: Nicole Hyland

Speaking for Class Plaintiffs: Shana Scarlett

Speaking for Defendants: Brian Robison

Speaking for other DAPs: Bob Kaplan

**2. The hearing date for Consumer IPPs' motion for final approval of the settlement with Smithfield.**

Consumer IPPs filed their motion for final approval of the settlement with Smithfield on March 16, 2023 (ECF No. 1857) but were unable to obtain a hearing date in advance of the filing deadline. So that members of the public can be informed of the hearing and participate, Consumer IPPs and Smithfield respectfully request that the Court set a hearing date as soon as practicable on or after March 30, 2023. Consumer IPPs have proposed proceeding with a remote hearing by Zoom.

Speaking for Consumer IPPs (if necessary): Breanna Van Engelen

Speaking for Smithfield (if necessary): Brian Robison

**3. Update on depositions.**

The Parties do not expect to raise any issues related to the scheduling of depositions at this hearing. The deposition of Sioux-Preme Packing Co. took place on February 23, 2023. The USDA raised an objection to its deposition and the Parties do not expect to move forward. The Canadian court has not yet determined whether it will order the deposition of Sumio Matsumoto.

The Parties also note that depositions continue to be scheduled for a few remaining Direct Action Plaintiffs.

Speaking for Plaintiffs (if necessary): Abigail Pershing

Speaking for Defendants (if necessary): Max Samels, Sami Rashid, and/or Jarod Taylor

**4. A process and schedule related to the authenticity and admissibility of potential trial exhibits.**

The Parties continue to meet and confer to try to reach agreement or narrow and focus any areas of disagreement concerning a process and schedule that Plaintiffs proposed regarding the authenticity and admissibility of potential trial exhibits. They do not believe Court intervention is ripe and propose to provide a further update to the Court at the next status conference.

Speaking for Class Plaintiffs (if necessary): Bobby Pouya

Speaking for DAPs (if necessary): Bob Kaplan

Speaking for Defendants (if necessary): Jarod Taylor

DATED: March 17, 2023

/s/ Bobby Pouya

Bobby Pouya  
Clifford H. Pearson  
Daniel L. Warshaw  
Michael H. Pearson  
PEARSON WARSHAW, LLP  
555 Montgomery St., Suite 1205  
San Francisco, CA 94111  
T: (818) 788-8300  
cpearson@pwfirm.com  
dwarshaw@pwfirm.com  
bpouya@pwfirm.com  
mpearson@pwfirm.com

Melissa S. Weiner (MN #0387900)  
PEARSON WARSHAW, LLP  
800 LaSalle Avenue, Suite 2150  
Minneapolis, MN 55402  
T: (612) 389-0600  
mweiner@pwfirm.com

Bruce L. Simon  
Benjamin E. Shiftan  
Neil Swartzberg  
PEARSON WARSHAW, LLP  
350 Sansome Street, Suite 680  
San Francisco, CA 94104  
T: (415) 433-9000  
F: (415) 433-9008  
bsimon@pwfirm.com  
bshiftan@pwfirm.com  
nswartzberg@pwfirm.com

Respectfully submitted,

/s/ Joseph C. Bourne

Joseph C. Bourne (MN #0389922)  
W. Joseph Bruckner (MN #0147758)  
Brian D. Clark (MN #0390069)  
Arielle S. Wagner (MN #0398332)  
Craig S. Davis (MN #0148192)  
Simeon A. Morbey (MN #0391338)  
Stephen M. Owen (MN # 0399370)  
LOCKRIDGE GRINDAL NAUEN P.L.L.P.  
100 Washington Avenue South, Suite 2200  
Minneapolis, MN 55401  
T: (612) 339-6900  
jcbourne@locklaw.com  
wjbruckner@locklaw.com  
bdclark@locklaw.com  
aswagner@locklaw.com  
csdavis@locklaw.com  
samorbey@locklaw.com  
smowen@locklaw.com

***Co-Lead Class Counsel for Direct Purchaser Plaintiffs***

/s/ Shana E. Scarlett

Shana E. Scarlett  
HAGENS BERMAN SOBOL SHAPIRO LLP  
715 Hearst Avenue, Suite 202  
Berkeley, CA 94710  
T: (510) 725-3000  
shanas@hbsslaw.com

Steve. W. Berman  
Breanna Van Engelen  
HAGENS BERMAN SOBOL SHAPIRO LLP  
1301 2nd Avenue, Suite 2000  
Seattle, WA 98101  
T: (206) 623-7292  
steve@hbsslaw.com  
breannav@hbsslaw.com

/s/ Daniel C. Hedlund

Daniel C. Hedlund (#258337)  
Daniel E. Gustafson (#202241)  
Michelle J. Looby (#388166)  
Joshua J. Rissman (#391500)  
GUSTAFSON GLUEK PLLC  
120 South 6th Street, Suite 2600  
Minneapolis, MN 55402  
T: (612) 333-8844  
dgustafson@gustafsongluek.com  
dhedlund@gustafsongluek.com  
mlooby@gustafsongluek.com  
jrissman@gustafsongluek.com

***Co-Lead Counsel for Consumer Indirect  
Purchaser Plaintiffs***

/s/ Shawn M. Raiter

Shawn M. Raiter (MN# 240424)  
LARSON • KING, LLP  
2800 Wells Fargo Place  
30 East Seventh Street  
St. Paul, MN 55101  
T: (651) 312-6518  
sraiter@larsonking.com

/s/ Blaine Finley

Jonathan W. Cuneo  
Joel Davidow  
Blaine Finley  
CUNEO GILBERT & LADUCA, LLP  
4725 Wisconsin Avenue NW, Suite 200  
Washington, DC 20016  
T: (202) 789-3960  
jonc@cuneolaw.com  
joel@cuneolaw.com  
bfinley@cuneolaw.co

***Co-Lead Counsel for Commercial and  
Institutional Indirect Purchaser Plaintiffs***

/s/ Kyle G. Bates

Kyle G. Bates  
HAUSFELD LLP  
600 Montgomery Street, Suite 3200  
San Francisco, CA 94111  
T: (415) 633-1908  
kbates@hausfled.com

Peter B. Schneider  
SCHNEIDER WALLACE COTTRELL  
KONECKY WOTKYNS LLP  
3700 Buffalo Speedway, Suite 300  
Houston, Texas 77098  
T: (713) 338-2560  
F: (415) 421-7105  
pschneider@schneiderwallace.com

Todd M. Schneider  
Matthew S. Weiler  
SCHNEIDER WALLACE COTTRELL  
KONECKY WOTKYNS LLP  
2000 Powell St., Suite 1400  
Emeryville, California 94608  
T: (415) 421-7100  
tschneider@schneiderwallace.com  
mweiler@schneiderwallace.com

Garrett W. Wotkyns  
SCHNEIDER WALLACE COTTRELL  
KONECKY WOTKYNS LLP  
8501 N. Scottsdale Road, Suite 270  
Scottsdale, Arizona 85253  
T: (480) 428-0145  
gwotkyns@schneiderwallace.com

Domingo Emanuelli-Hernández  
Attorney General  
Guarionex Díaz Martínez  
Assistant Attorney General  
Antitrust Division  
Puerto Rico Department of Justice  
P.O. Box 9020192  
San Juan, Puerto Rico 00902-0192  
T: (787) 721-2900, ext. 2600, 2601  
F: (787) 721-3223  
gdiaz@justicia.pr.gov

***Counsel for the Commonwealth of Puerto Rico***

/s/ Robert N. Kaplan

Robert N. Kaplan

Matthew P. McCahill

Jason A. Uris

**KAPLAN FOX & KILSHEIMER,  
LLP**

850 Third Avenue, 14th Floor

New York, New York 10022

T: (212) 687-1980

rkaplan@kaplanfox.com

mmccahill@kaplanfox.com

juris@kaplanfox.com

/s/ Richard L. Coffman

Richard L. Coffman

**THE COFFMAN LAW FIRM**

3355 W. Alabama St., Suite 240

Houston, Texas 77098

T: (713) 528-6700

rcoffman@coffmanlawfirm.com

/s/ Eric R. Lifvendahl

Eric R. Lifvendahl

**L&G LAW GROUP, LLP**

175 W. Jackson Blvd., Suite 950

Chicago, Illinois 60604

T: (312) 364-2500

elifvendahl@lgcounsel.com

/s/ Bernard D. Marcus

Bernard D. Marcus

Moira Cain-Mannix

Brian C. Hill

**MARCUS & SHAPIRA LLP**

One Oxford Center, 35th Floor

Pittsburgh, Pennsylvania 15219

T: (412) 471-3490

marcus@marcus-shapira.com

cain-mannix@marcus-shapira.com

hill@marcus-shapira.com

*Counsel for MDL DAPs Action Meat Distributors, Inc., Topco Associates, LLC, Alex Lee, Inc./Merchants Distributors, LLC, Associated Food Stores, Inc., Brookshire Grocery Company, Colorado Boxed Beef Co., Certco, Inc., The Golub Corporation, Nicholas & Co., PFD Enterprises, Inc., SpartanNash Company, Springfield Grocer Company, The Distribution Group d/b/a Van Eerden Foodservice Co., Troyer Foods, Inc., URM Stores, Inc., and Giant Eagle, Inc*



/s/ David C. Eddy

David C. Eddy  
Dennis J. Lynch  
Travis C. Wheeler  
**NEXSEN PRUET, LLC**  
1230 Main Street, Suite 700  
Columbia, South Carolina 29201  
T: (803) 771-8900  
deddy@nexsenpruet.com  
dlynch@nexsenpruet.com  
twheeler@nexsenpruet.com

*Counsel for MDL DAPs Conagra  
Brands, Inc., Nestlé USA, Inc.; Nestlé  
Purina PetCare Co.; Compass Group  
USA, Inc.; and Howard B. Samuels,  
solely as Chapter 7 Trustee of the estate  
of Central Grocers, Inc.*

/s/ Patrick J. Ahern

Patrick J. Ahern  
**AHERN & ASSOCIATES, P.C.**  
Willoughby Tower  
8 South Michigan Avenue, Suite 3600  
Chicago, Illinois 60603  
T: (312) 404-3760  
patrick.ahern@ahernandassociatespc.com

*Counsel for Plaintiffs Winn-Dixie Stores,  
Inc.; Bi-Lo Holdings, LLC; and Kraft  
Heinz Foods Company*

/s/ Philip J. Iovieno

Philip J. Iovieno  
Nicholas A. Gravante, Jr.  
Lawrence S. Brandman  
Jack G. Stern  
Gillian Groarke Burns  
Mark A. Singer  
Elizabeth R. Moore  
**CADWALADER, WICKERSHAM &  
TAFT LLP**  
200 Liberty Street

/s/ Arthur G. Boylan

Arthur G. Boylan (#0338229)  
Joseph T. Janochoski (#0399952)  
**ANTHONY OSTLUND LOUWAGIE  
DRESSEN & BOYLAN P.A.**  
90 South 7th Street, Suite 3600 |  
Minneapolis, MN 55402  
T: (612) 349-6969  
ABoylan@anthonyostlund.com  
JJanochoski@anthonyostlund.com  
*Counsel in Limited Capacity for Sysco  
Corporation*

/s/ David B. Esau

David B. Esau  
Kristin A. Gore  
Garth T. Yearick  
Amanda R. Jesteadt  
**CARLTON FIELDS, P.A.**  
525 Okeechobee Boulevard, Suite 1200  
West Palm Beach, Florida 33401  
T: (561) 659-7070  
F: (561) 659-7368  
desau@carltonfields.com  
kgore@carltonfields.com  
gyearick@carltonfields.com  
ajesteadt@carltonfields.com

Roger S. Kobert  
405 Lexington Avenue, 36th Floor  
New York, New York 10174-3699  
T: (212) 785-2577  
F: (212) 785-5203  
rkobert@carltonfields.com

Aaron A. Holman  
Chelsey J. Clements  
200 S. Orange Avenue, Suite 1000  
Orlando, Florida 32801  
T: (407) 849-0300  
F: (407) 648-9099  
aholman@carltonfields.com

New York, New York 10281  
T: (212) 504-6000  
philip.iovieno@cwt.com  
nicholas.gravante@cwt.com  
lawrence.brandman@cwt.com  
jack.stern@cwt.com  
gillian.burns@cwt.com  
mark.singer@cwt.com  
elizabeth.moore@cwt.com

*Counsel for MDL DAPs Jetro Holdings, LLC and BJ's Wholesale Club, Inc. and Co-Counsel for Plaintiffs Kraft Heinz Foods Company; Winn-Dixie Stores, Inc.; and Bi-Lo Holdings, LLC*

/s/ Samuel J. Randall  
Richard Alan Arnold  
William J. Blechman  
Kevin J. Murray  
Douglas H. Patton  
Samuel J. Randall  
Michael A. Ponzoli  
**KENNY NACHWALTER, P.A.**  
1441 Brickell Avenue, Suite 1100  
Miami, Florida 33131  
T: (305) 373-1000  
F: (305) 372-1861  
rarnold@knpa.com  
wblechman@knpa.com  
kmurray@knpa.com  
dpattson@knpa.com  
srandall@knpa.com  
mponzoli@knpa.com

*Counsel for The Kroger Co., Albertsons Companies, Inc., Hy-Vee, Inc., Save Mart Supermarkets, and US Foods, Inc.*

By: /s/ Christopher P. Wilson  
William C. Lavery  
Christopher P. Wilson  
Danielle Morello

cclements@carltonfields.com

Scott L. Menger  
2029 Century Park East, Suite 1200  
Los Angeles, California 90067  
T: (310) 843-6300  
F: (301) 843-6301  
smenger@carltonfields.com

*Counsel for Cheney Brothers, Inc.; Subway Protein Litigation Corp., as Litigation Trustee of the Subway® Protein Litigation Trust; Buffalo Wild Wings, Inc.; Jimmy John's Buying Group SPV, LLC; Sonic Industries Services Inc.; CKE Restaurants Holdings, Inc.; Wawa, Inc.; and Restaurant Services, Inc.*

/s/ Scott E. Gant  
Scott E. Gant  
Michael S. Mitchell  
**BOIES SCHILLER FLEXNER LLP**  
1401 New York Ave., NW  
Washington, DC 20005  
T: 202-237-2727  
sgant@bsfllp.com  
mmitchell@bsfllp.com

Colleen Harrison  
**BOIES SCHILLER FLEXNER LLP**  
333 Main Street  
Armonk, New York 10504  
T: (914) 749-8204  
charrison@bsfllp.com

Sarah L. Jones  
**BOIES SCHILLER FLEXNER LLP**  
725 South Figueroa Street  
Los Angeles, California 90017  
sjones@bsfllp.com

*Counsel for Amory Investments LLC*

Wyatt M. Carlock  
**BAKER BOTTS LLP**  
700 K Street NW  
Washington, DC 20001  
Telephone: (202) 639-7700  
Facsimile: (202) 539-7890  
william.lavery@bakerbotts.com  
christopher.wilson@bakerbotts.com  
danielle.morello@bakerbotts.com  
wyatt.carlock@bakerbotts.com  
  
*Counsel for Direct Action Plaintiff ALDI  
Inc.*

/s/ David P. Germaine  
Paul E. Slater  
Joseph M. Vanek  
David P. Germaine  
Phillip F. Cramer  
Alberto Rodriguez  
Jeffrey H. Bergman  
**SPERLING & SLATER, LLC**  
55 West Monroe Street, Suite 3200  
Chicago, Illinois 60603  
T: (312) 641-3200  
F: (312) 641-6492  
pes@sperling-law.com  
jvanek@sperling-law.com  
dgermaine@sperling-law.com  
pcramer@sperling-law.com  
arodriguez@sperling-law.com  
jbergman@sperling-law.com

*Counsel for Direct Action Plaintiffs  
Associated Grocers of the South, Inc.,  
Dollar  
General Corporation, Dolgencorp, LLC,  
Meijer, Inc., Meijer Distribution, Inc.,  
Publix  
Super Markets, Inc., Raley's, United  
Natural  
Foods, Inc., Supervalu, Inc., Associated  
Grocers of Florida, Inc., Unified Grocers,  
Inc., Tony's Fine Foods, and Wakefern  
Food Co.*

/s/ Tiffany Rider Rohrbaugh

Rachel J. Adcox (*pro hac vice*)

Tiffany Rider Rohrbaugh (*pro hac vice*)

Lindsey Strang Aberg (*pro hac vice*)

Brandon Boxbaum (*pro hac vice*)

Allison Vissichelli (*pro hac vice*)

Keith Holleran (*pro hac vice*)

AXINN, VELTROP & HARKRIDER LLP

1901 L Street NW

Washington, DC 20036

(202) 912-4700

radcox@axinn.com

trider@axinn.com

lstrang@axinn.com

bboxbaum@axinn.com

avissichelli@axinn.com

kholleran@axinn.com

Jarod Taylor (*pro hac vice*)

AXINN, VELTROP & HARKRIDER LLP

90 State House Square

Hartford, CT 06103

(860) 275-8109

jtaylor@axinn.com

Kail Jethmalani (*pro hac vice*)

Craig M. Reiser (*pro hac vice*)

Andrea Rivers (*pro hac vice*)

Victoria J. Lu (*pro hac vice*)

AXINN, VELTROP & HARKRIDER LLP

114 West 47th Street

New York, NY 10036

(212) 728-2200

kjethmalani@axinn.com

creiser@axinn.com

arivers@axinn.com

vlu@axinn.com

David P. Graham (#0185462)

DYKEMA GOSSETT PLLC

4000 Wells Fargo Center

90 South Seventh Street

Minneapolis, MN 55402  
(612) 486-1521  
dgraham@dykema.com

***Counsel for Tyson Foods, Inc., Tyson Prepared Foods, Inc. and Tyson Fresh Meats, Inc.***

/s/ Mark L. Johnson

Mark L. Johnson (#0345520)  
Davida S. McGhee (#0400175)  
GREENE ESPEL PLLP  
222 South Ninth Street, Suite 2200  
Minneapolis, MN 55402  
(612) 373-0830  
mjohnson@greeneespel.com  
dwilliams@greeneespel.com

Daniel Laytin, P.C. (*pro hac vice*)  
Christa Cottrell, P.C. (*pro hac vice*)  
KIRKLAND & ELLIS LLP  
300 North LaSalle  
Chicago, IL 60654  
(312) 861-2000  
daniel.laytin@kirkland.com  
christa.cottrell@kirkland.com

***Counsel for Clemens Food Group, LLC and The Clemens Family Corporation***

/s/ Craig S. Coleman

Richard A. Duncan (#0192983)  
Aaron D. Van Oort (#0315539)  
Craig S. Coleman (#0325491)  
Emily E. Chow (#0388239)  
Isaac B. Hall (#0395398)  
FAEGRE DRINKER BIDDLE & REATH LLP  
2200 Wells Fargo Center  
90 South Seventh Street  
Minneapolis, MN 55402-3901  
(612) 766-7000  
richard.duncan@faegredrinker.com  
aaron.vanoort@faegredrinker.com  
craig.coleman@faegredrinker.com  
emily.chow@faegredrinker.com  
isaac.hall@faegredrinker.com

Jacob D. Bylund (*pro hac vice*)  
Stephanie A. Koltookian (*pro hac vice*)  
Robert C. Gallup (#0399100)  
FAEGRE DRINKER BIDDLE & REATH LLP  
801 Grand Ave., 33rd Floor  
Des Moines, IA 50309  
(515) 248-9000  
jacob.bylund@faegredrinker.com  
stephanie.koltookian@faegredrinker.com  
robert.gallup@faegredrinker.com

Jonathan H. Todt (*pro hac vice*)  
FAEGRE DRINKER BIDDLE & REATH LLP  
1500 K Street NW, Suite 1100  
Washington, DC 20005

(202) 842-8800  
jonathan.todt@faegredrinker.com

John S. Yi (*pro hac vice*)  
FAEGRE DRINKER BIDDLE & REATH  
LLP  
One Logan Square, Suite 2200  
Philadelphia, PA 19103  
(215) 988-2700  
john.yi@faegredrinker.com

/s/ Peter H. Walsh

Peter H. Walsh (#0388672)  
HOGAN LOVELLS US LLP  
80 South Eighth Street, Suite 1225  
Minneapolis, MN 55402  
(612) 402-3000  
peter.walsh@hoganlovells.com

William L. Monts (*pro hac vice*)  
Justin W. Bernick (*pro hac vice*)  
HOGAN LOVELLS US LLP  
Columbia Square  
555 Thirteenth Street, NW  
Washington, D.C. 20004  
(202) 637-5600  
william.monts@hoganlovells.com  
justin.bernick@hoganlovells.com

***Counsel for Agri Stats, Inc.***

/s/ William L. Greene

William L. Greene (#0198730)  
Peter J. Schwinger (#0388909)  
William D. Thomson (#0396743)  
STINSON LLP  
50 South Sixth Street, Suite 2600  
Minneapolis, MN 55402

***Counsel for Hormel Foods Corporation***

/s/ Christopher A. Smith

Aaron Chapin (#0386606)  
Christopher A. Smith (*pro hac vice*)  
Tessa K. Jacob (*pro hac vice*)  
A. James Spung (*pro hac vice*)  
Jason Husgen (*pro hac vice*)  
Sarah L. Zimmerman (MDL registered)  
Kate Ledden (MDL registered)  
Tanner Cook (MDL registered)  
HUSCH BLACKWELL LLP  
190 Carondelet Plaza, Ste 600  
St. Louis, MO 63105  
Telephone: (314) 480-1500  
aaron.chapin@huschblackwell.com  
chris.smith@huschblackwell.com  
tessa.jacob@huschblackwell.com  
james.spung@huschblackwell.com  
jason.husgen@huschblackwell.com  
sarah.zimmerman@huschblackwell.com  
kate.ledden@huschblackwell.com  
tanner.cook@huschblackwell.com

***Counsel for Triumph Foods, LLC***

/s/ Jessica J. Nelson

Donald G. Heeman (#0286023)  
Jessica J. Nelson (#0347358)  
Randi J. Winter (#0391354)  
SPENCER FANE LLP  
100 South Fifth Street, Suite 1900  
Minneapolis, MN 55402-4206

(612) 335-1500  
william.greene@stinson.com  
peter.schwinger@stinson.com  
william.thomson@stinson.com

J. Nicci Warr (*pro hac vice*)  
STINSON LLP  
7700 Forsyth Blvd., Suite 1100  
St. Louis, MO 63105  
(314) 863-0800  
nicci.warr@stinson.com

***Counsel for Seaboard Foods LLC and  
Seaboard Corporation***

/s/ John A. Cotter  
John A. Cotter (#0134296)  
John A. Kvinge (#0392303)  
LARKIN HOFFMAN DALY &  
LINDGREN LTD.  
8300 Norman Center Drive, Suite 1000  
Minneapolis, MN 55427-1060  
(952) 835-3800  
jcotter@larkinhoffman.com  
jkvinge@larkinhoffman.com

Richard Parker (*pro hac vice*)  
Josh Lipton (*pro hac vice*)  
GIBSON, DUNN & CRUTCHER, LLP  
1050 Connecticut Avenue, N.W.  
Washington, D.C. 20036-5306  
(202) 955-8500  
rparker@gibsondunn.com  
jlipton@gibsondunn.com

Brian Robison (*pro hac vice*)  
BROWN FOX PLLC

(612) 268-7000  
dheeman@spencerfane.com  
jnelson@spencerfane.com  
rwinter@spencerfane.com

Michael B. Carlinsky (*pro hac vice*)  
Sami H. Rashid (*pro hac vice*)  
Richard T. Vagas (*pro hac vice*)  
David B. Adler (*pro hac vice*)  
QUINN EMANUEL URQUHART &  
SULLIVAN, LLP  
51 Madison Avenue, 22nd Floor  
New York, NY 10010  
(212) 849-7000  
michaelcarlinsky@quinnemanuel.com  
samirashid@quinnemanuel.com  
richardvagas@quinnemanuel.com  
davidadler@quinnemanuel.com

***Counsel for JBS USA Food Company***

6303 Cowboys Way, Suite 450  
Frisco, TX 75034  
(972) 707-1809  
brian@brownfoxlaw.com

***Counsel for Smithfield Foods, Inc.***